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14 Nisan Harrill

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17 WESTERN DIVISION

18 Nisan Harrill,

19 Plaintiff,

20 vs.

21 Optio Solutions, LLC d/b/a Qualia
22 Collection Services,

23 Defendant.

Case No.:

COMPLAINT FOR DAMAGES

FOR VIOLATIONS OF:

- 1. THE FAIR DEBT COLLECTION
PRACTICES ACT; AND
2. THE ROSENTHAL FAIR DEBT
COLLECTION PRACTICES ACT**

JURY TRIAL DEMANDED

1 Plaintiff, Nisan Harrill (hereafter “Plaintiff”), by undersigned counsel, brings
2 the following complaint against Optio Solutions, LLC d/b/a Qualia Collection
3 Services (hereafter “Defendant”) and alleges as follows:
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s violations of the Fair Debt
7 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), and violations of the
8 Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788, *et seq.*
9 (“Rosenthal Act”).
10

11 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), Cal. Civ.
12 Code 1788.30(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1367.
13

14 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
15 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
16 where Defendant transacts business in this district.
17

18 **PARTIES**

19 4. Plaintiff is an adult individual residing in San Clarita, California, and is a
20 “person” as defined by 47 U.S.C. § 153(39) and Cal Civ. Code § 1788.2(g).
21

22 5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3), and is a
23 “debtor” as defined by Cal. Civ. Code § 1788.2(h).
24

25 6. Defendant is a business entity located in Petaluma, California, and is a
26 “person” as the term is defined by 47 U.S.C. § 153(39) and Cal Civ. Code §
27 1788.2(g).
28

1 7. Defendant uses instrumentalities of interstate commerce or the mails in a
2 business the principle purpose of which is the collection of debts and/or regularly
3 collects or attempts to collect debts owed or asserted to be owed to another, and is a
4 “debt collector” as defined by 15 U.S.C. § 1692a(6).
5

6 8. Defendant, in the ordinary course of business, regularly, on behalf of
7 itself or others, engages in the collection of consumer debts, and is a “debt collector”
8 as defined by Cal. Civ. Code § 1788.2(c).
9

10
11 **ALLEGATIONS APPLICABLE TO ALL COUNTS**
12

13 9. Plaintiff is a natural person allegedly obligated to pay a debt asserted to
14 be owed to a creditor other than Defendant.

15 10. Plaintiff’s alleged obligation arises from a transaction in which property,
16 services or money was acquired on credit primarily for personal, family or household
17 purposes, is a “debt” as defined by 15 U.S.C. § 1692a(5), and is a “consumer debt” as
18 defined by Cal. Civ. Code § 1788.2(f).
19

20 11. At all times mentioned herein where Defendant communicated with any
21 person via telephone, such communication was done via Defendant’s agent,
22 representative or employee.
23

24 12. On or about August 12, 2016, Defendant called Plaintiff’s place of
25 employment in an attempt to collect a debt.
26
27
28

1 21. Defendant communicated with Plaintiff at a time or place known to be
2 inconvenient to the Plaintiff, in violation of 15 U.S.C. § 1692c(a)(1).
3

4 22. Defendant communicated with Plaintiff at his place of employment
5 knowing that the employer prohibits Plaintiff from receiving such communication, in
6 violation of 15 U.S.C. § 1692c(a)(3).
7

8 23. Defendant engaged in conduct, the natural consequence of which was to
9 harass, oppress, or abuse Plaintiff, in connection with the collection of a debt, in
10 violation of 15 U.S.C. § 1692d.
11

12 24. Defendant caused Plaintiff's phone to ring or engaged Plaintiff in
13 telephone conversations repeatedly or continuously, with the intent to annoy, abuse
14 and harass Plaintiff, in violation of 15 U.S.C. § 1692d(5).
15

16 25. The foregoing acts and/or omissions of Defendant constitute numerous
17 and multiple violations of the FDCPA, including every one of the above-cited
18 provisions.
19

20 26. Plaintiff was harmed and is entitled to damages as a result of Defendant's
21 violations.
22

23
24 **COUNT II**

25 **VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION**
26 **PRACTICES ACT, Cal. Civ. Code § 1788, et seq.**

27 27. Plaintiff incorporates by reference all of the above paragraphs of this
28 complaint as though fully stated herein.

30. Defendant communicated with Plaintiff with such frequency as to be unreasonable, constituting harassment, in violation of Cal. Civ. Code § 1788.11(e).

32. Plaintiff was harmed and is entitled to damages as a result of Defendant's violations.

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- ## COMPLAINT FOR DAMAGES

1 G. Such other and further relief as may be just and proper.
2

3 **TRIAL BY JURY DEMANDED ON ALL COUNTS**
4

5
6 DATED: January 30, 2017

TRINETTE G. KENT

7 By: /s/ Trinette G. Kent
8 Trinette G. Kent, Esq.
9 Lemberg Law, LLC
10 Attorney for Plaintiff, Nisan Harrill
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